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C O N F I D E N T I A L SECTION 01 OF 04 BAGHDAD 000333

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TAGS: [PGOV](#) [PREL](#) [IZ](#)  
SUBJECT: IRAQI PROVINCIAL ELECTIONS UPDATE PART 2:

REF: A. BAGHDAD 221  
[B](#). BAGHDAD 197  
[C](#). BAGHDAD 131  
[D](#). BAGHDAD 190  
[E](#). BAGHDAD 203  
[F](#). 2007 BAGHDAD 3459

Classified By: Political Counselor Matt Tueller for Reasons 1.4(b) and (d)

[1](#). (C) Summary: We believe Iraq will have the technical capability to conduct credible, nationwide provincial elections in early fall of 2008. However several political obstacles must be overcome over the next seven months, including the passage of a well-crafted elections law, a start to resolution of internal boundary disputes, and overcoming potential political party weaknesses and obstructions. We continue to work on technical training and capacity building in order to ensure GOI readiness once an election date is set. We hope that the result of these efforts will be credible, nationwide elections that reflect the will of the Iraqi people. This is the second in a series of cables describing the process and preparations, both technical and political, needed to hold provincial elections.  
End Summary.

[2](#). (U) This cable draws from conversations with the United Nations Assistance Mission for Iraq (UNAMI), the International Foundation for Election Systems (IFES), and the Independent High Electoral Commission (IHEC) board of commissioners.

[3](#). (C) Many Iraqis, particularly those in areas that feel cheated by the results of the January 2005 provincial elections, are eager for elections as soon as possible, and the Iraqi leadership has indicated it understands the need for local elections by early fall of 2008. The first hurdle to overcome is passage of the provincial powers legislation, which appears to be imminent. Next is the passage of an election law, which would have to happen no later than June 1, 2008 for elections to occur in early fall of 2008. We believe this is possible due to the momentum we are now seeing in the CoR with regard to passing other benchmark legislation such as the Accountability and Justice Law (de-Ba'athification) and the anticipated passage of provincial powers legislation.

ROLLING OR NATIONWIDE ELECTIONS?  
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[4](#). (C) The idea of conducting rolling provincial elections has been floated by both the USG and GOI. This is driven by concern that provinces like Anbar and Ninewa, where low voter turnout in 2005 resulted in provincial councils that do not reflect the ethnic or religious makeup of the province. Expediting elections in these provinces will give them their delayed buy-in to the political process by electing new provincial councils that are more representative and inclusive of all relevant political parties and movements in

the province. This would, for example, harness the &awakening8 movements in those regions, transforming them into political parties. The fear is that nationwide elections could not be held soon enough to satisfy the yearnings of the Sunni groups in Anbar and Ninewa for political participation, thereby increasing their sense of political disenfranchisement and possibly compelling them to work against the GOI and Coalition interests. (Note: Anbar has been temporarily placated by the addition of eight non-voting seats on the provincial council to accommodate members of its Sahwah (Awakening) movement.)

15. (C) Once a number of logistical issues are addressed (ref A), elections could be held in all provinces. One of the dangers in holding elections only in certain provinces is the risk that the USG could be seen as favoring one political group (e.g. Sunnis) over another. Reporting from the PRTs indicates provincial elections are desired throughout Iraq, even in provinces with high voter turnout in 2005. There are also logistical challenges to holding rolling elections, such as how to minimize voter fraud. This is easier to do when all provinces are voting on the same day. Therefore we believe that same-day nationwide provincial elections will hold the most credibility among the Iraqi people.

#### POLITICAL OBSTACLES

16. (C) There are three main political obstacles to overcome before credible provincial elections can be held: 1) passage of an election law that clarifies voter eligibility, voting arrangements for internally displaced persons (IDPs) and refugees, and type of elections (e.g. constituency-based, open or closed list); 2) resolution of internal boundary

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disputes; and 3) objections by political parties.

#### ELECTION LAW

17. (C) The election law must define who is eligible to vote. In addition to determining voting age, the law will have to tackle two hot political issues -- residency requirements and how internally displaced persons (IDPs) and refugees will vote. A lengthy residency requirement (more than six months residency in the province) could potentially disenfranchise IDPs and refugees, and an even longer residency requirement could be a factor in settling Article 140 issues. And of course the more than two million Iraqi refugees in Syria and Jordan are not currently resident in any province. An election law will have to clarify whether IDPs vote for the provincial council in the province where they currently live, or for the provincial council in the province they came from, or be given a choice between the two. And if they vote for the council in the province they came from, then the question becomes whether they have to return to their home province to vote, or whether they can vote for their home province at their local polling place.

18. (C) Most IDPs would prefer to vote for the provincial council of their home province. They hope to return home some day and would like a say in the governance of that province (ref B) . However mass migration of returning IDPs has the potential to cause social disruption and increased violence, and so forcing them to return home to vote puts them at great risk. UNAMI is researching ways for IDPs to receive ballots from their home province without the logistical nightmare of requiring that all provincial council ballots be available at over 6,000 polling places. One thought is to provide two to three polling places per province exclusively for IDP voting. For refugees, the question is how to get ballots to them in Syria and Jordan, and elsewhere. In 2005, refugees did not vote in provincial elections, only nationwide elections. In fact, only 300,000 ballots were cast by out-of-country voters, according to the

International Elections Advisory Team (IEAT). Refugee voting is further complicated because out-of-county-voters most likely have only national identification cards and would have difficulty proving ties to a specific province. IEAT has commented that allowing out-of-country voters to vote in local elections is not the prevailing practice.

¶9. (C) In addition to voter eligibility, the decision of whether there will be an open or closed-list system will also need to be determined by the elections law. The 2005 elections were held under a closed-list system ) voters voted for the party and party leaders decided who got the seats the party won. PRT reporting has indicated that voters want an open-list system for provincial elections (refs C and D). The logistical issue with an open-list system is the length and complexity of the ballot. If 30 seats are available on a provincial council, then each party would list 30 candidates on the ballot. This leads to a very long ballot, which increases the amount of time each voter will need to make a selection, thus affecting the hours a polling location is open and the security needed. High rates of illiteracy in some areas complicate the process of holding open list elections. In addition, the requirement for female representation must be addressed. The Independent High Electoral Commission (IHEC) has expressed particular concern about implementing the arrangement, outlined in an early draft of the election law, requiring that thirty percent of candidates selected by each voter be female. Entire ballots would be invalidated if the voter did not choose enough women. Other countries with quotas for female representation use other arrangements to achieve this goal, including reserved seats. We believe these issues can be overcome, and that an open-list system is important to establish accountability of the elected officials.

¶10. (C) On January 30, we heard from Dr. Fadhel Khadum, Legal Advisor to the Prime Minister, that a draft election law is with the Shura Council for review, and that the Shura should be finished with it in about a week.

#### INTERNAL BOUNDARY DISPUTES

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¶11. (C) At first glance, resolution of provincial boundary disputes throughout Iraq would seem to be the prerequisite for provincial elections. However, since all boundary disputes cannot be resolved before provincial elections, we believe it is better to hold elections using the current boundaries (as was done in 2005), with remaining boundary issues to be resolved after the elections. As part of its expanded mandate, the United Nations Assistance Mission for Iraq (UNAMI) is focusing facilitating the process for resolution of these internal boundary disputes (ref E).

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Staffan de Mistura, the Special Representative of the Secretary General (SRSG), has decided to focus on the

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least-contentious areas at first to build confidence. He believes that progress can be made before the June 30 deadline of the Article 140 extension. De Mistura believes that signs of progress will encourage other regions to trust that a political solution can be had.

#### POLITICAL PARTY OBSTRUCTION

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¶12. (C) Some political parties that currently hold power in the provincial councils are likely to lose heavily in the next round of elections. This leads to a lack of political incentive on the part of some parties to push for elections. One manifestation of political party obstruction we have observed is the attempt by ISCI and Dawa politicians to discredit IHEC, claiming without specific substantiation that it has become politicized (ref E and F). Both the Embassy

and UNAMI have heard these accusations, including from Council of Representatives (CoR) members, but when pressed for specifics, the officials claim that their actual concerns are with the Governorate Electoral Offices (GEOs), and the affiliations of the GEO managers. (Note: The CoR members from each province are responsible for nominating candidates for GEO managers, and we are seeing that some of the CoR members, who were the engineers of the alleged politicization are now the sources of some of the complaints. End Note) We are, however, seeing signs from the provinces calling for elections due to dissatisfaction with the current provincial and national governments (refs C and D).

#### CONTINUED ELECTIONS PREPARATIONS UNDERWAY

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¶13. (C) We continue to provide technical assistance for elections to Iraq through USAID- and DRL-funded programs. USAID, through its implementing partner International Foundation for Election Systems (IFES), is working with IHEC to prepare a draft voter registry. The list for the Public Distribution System (PDS ) the nationwide food ration distribution system) has been converted to a voter registry, and IHEC is awaiting the enactment of an election law to begin vetting the list at the provincial level (ref A). IFES is also preparing a technical assistance team to provide guidance on how to draft elections legislation, if it is requested by the GOI. (Note: IHEC has requested that this assistance be provided to drafters of the law, but we have yet to determine whether the drafters themselves or the members of the CoR also want this assistance. End Note)

¶14. (C) DRL, through its implementing partners International Republican Institute (IRI) and National Democratic Institute (NDI), is providing capacity building training to government officials, political parties, and civil society organizations to help them become more effective in advocacy, networking, caucus development, and organizational management. These programs will strengthen both the individual political players and their respective organizations, ensuring a degree of increased political maturity as Iraq heads into its next round of democratic elections.

¶15. (C) UNAMI continues to provide technical assistance to the GOI and IHEC on election day preparations, including staffing, polling locations, and security. In terms of election day security, the entire country could be placed under a curfew, as was done in 2005, to reduce violence and voter fraud. People will not be able to travel, other than to vote; shops will be closed; and a vehicular ban will go into effect to prevent the possibility of car bombs at polling places. The need for these actions has been generally accepted by the GOI and the international community based on security concerns. The Iraqi Security Forces (ISF) along with MNF-I will provide security ) the ISF will secure the first ring (polling locations) and the second ring (town), while MNF-I will patrol the third ring (areas of the province outside of towns and villages).

¶16. (C) Concerns have also been raised about the lack of budget appropriations for provincial elections. The CoR originally allocated money in IHEC,s 2007 operating budget for provincial elections. Because elections did not occur, the money was taken back by the CoR. However, IHEC is not worried about money being available for elections. Chief Election Officer Kareem Al-Tamimi explained that once an election law defines the type of election (open versus closed list), that will determine the costs IHEC will incur to hold the elections, and then IHEC will draw up a budget and present it to the CoR for funding. Kareem had no concerns that the CoR would not provide the needed money.

#### COMMENT

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¶17. (C) Although the political parties in power have little motivation to call for elections and have been delaying many of these decisions for months, there now appears to be enough political momentum and public dissatisfaction with the current government to force movement on the issue. However, without a strong push from the U.S. and other international partners, it is not likely that provincial elections will take place this year. We believe it is possible to overcome the remaining obstacles and hold free and credible Iraqi provincial elections in early fall of 2008. While rolling elections are technically feasible and should not be ruled out, our assessment is that same-day nationwide provincial elections will have the most credibility with the Iraqi people and that should therefore be our initial objective. Dissatisfaction in places like Anbar and Ninewa can probably be controlled if it becomes clear within the next few months that nationwide elections will be held before the end of the year. End Comment.  
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